

Mallin, Robert

From: Niro, Raymond P Jr [rnirojr@nshn.com]
Sent: Thursday, May 01, 2008 11:40 AM
To: Mallin, Robert
Cc: Schumaker, Joan; Mehta, Manish; Swierk, Susan L
Subject: RE: B&D v. Royal

Robert,

I reviewed again your draft stipulation and disagree with your assessment. Why not simply provide us with the prior art, without all of the equivocation and qualifications, particularly the last sentence that you added to the stipulation. Unfortunately, it seems that we do not have a choice but to file a response at this point, unless you will reconsider our proposed version.

Raymond

From: Mallin, Robert [mailto:rmallin@brinkshofer.com]
Sent: Thursday, May 01, 2008 11:08 AM
To: Niro, Raymond P Jr
Cc: Schumaker, Joan; Mehta, Manish; Swierk, Susan L
Subject: RE: B&D v. Royal

Dear Raymond

That is fine. However, I am not sure that I understand your comment about the changes creating an incentive NOT to turn over prior art. In fact, it is just the opposite. The revised proposal makes clear that we would be identifying all printed publication prior art (which is the only type of prior art we can submit in the request for reexamination) that would be responsive to the interrogatory about our present invalidity contentions. From our conversations, I thought that was the information you sought.

Robert

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From: Niro, Raymond P Jr [mailto:rnirojr@nshn.com]
Sent: Thursday, May 01, 2008 10:15 AM

To: Mallin, Robert
Cc: Schumaker, Joan; Mehta, Manish; Swierk, Susan L
Subject: RE: B&D v. Royal

Robert,

Thank you for the email. Unfortunately, your revisions to the proposed stipulation are not acceptable to B&D. We had suggested a basic stipulation for the disclosure of prior art, but your changes seem to provide Royal with an incentive NOT to turn over all prior art.

Therefore, our client feels it is better to simply file a response brief with our position. Thanks,

Raymond

From: Mallin, Robert [mailto:rmallin@brinkshofer.com]
Sent: Tuesday, April 29, 2008 4:54 PM
To: Niro, Raymond P Jr
Cc: Schumaker, Joan; Mehta, Manish; Swierk, Susan L
Subject: FW: B&D v. Royal

Dear Raymond

Attached is a marked up version of the stipulation. Please let me know if this is acceptable.

Thanks
Robert

Robert S. Mallin
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From: Swierk, Susan L [mailto:swierk@nshn.com]
Sent: Monday, April 28, 2008 12:55 PM
To: Mallin, Robert
Subject: B&D v. Royal

Robert –

Attached is a draft stipulation. Please let us know if you have any comments/changes. If it is acceptable, please confirm that we may sign on your behalf and we will take care of filing. Thanks,

Raymond

Sent on Behalf of Raymond P. Niro, Jr.

by Susan Swierk, legal assistant

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